

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2001**

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**HOUSE BILL 1515\***

Short Title: MH/DD/SA Commission Changes. (Public)

Sponsors: Representatives Alexander, Insko (Primary Sponsors); Adams, Church, J. Crawford, M. Crawford, Earle, Esposito, Gray, and Nye.

Referred to: Mental Health.

June 4, 2002

A BILL TO BE ENTITLED

AN ACT PERTAINING TO THE MEMBERSHIP OF THE COMMISSION FOR MENTAL HEALTH, DEVELOPMENTAL DISABILITIES, AND SUBSTANCE ABUSE SERVICES.

The General Assembly of North Carolina enacts:

**SECTION 1.** G.S. 143B-148, as amended by Section 1.21(b) of S.L. 2001-437, and by Section 90.5 of S.L. 2001-487, reads as rewritten:

**"§ 143B-148. Commission for Mental Health, Developmental Disabilities, and Substance Abuse Services – members; selection; quorum; compensation.**

(a) The Commission for Mental Health, Developmental Disabilities, and Substance Abuse Services of the Department of Health and Human Services shall consist of ~~29 members;~~ 30 members, as follows:

- (1) ~~Six of whom~~ shall be appointed by the General Assembly, three upon the recommendation of the Speaker of the House of Representatives, and three upon the recommendation of the President Pro Tempore of the Senate in accordance with G.S. 120-121. ~~These members shall be individuals who are concerned about the needs of individuals for mental health, developmental disabilities, and substance abuse services. Members shall serve for two year terms beginning July 1 of odd numbered years. A member shall serve not more than three consecutive two year terms. In recommending appointments under this section, the Speaker of the House of Representatives and the President Pro Tempore of the Senate shall give consideration to ensuring a balance of appointments that represent those who may have knowledge and expertise in adult issues and those who may have knowledge and expertise in children's issues. Of the three appointments recommended~~

1 by the President Pro Tempore of the Senate, one shall be a physician  
2 licensed to practice medicine in North Carolina, with preference given  
3 to a psychiatrist, and two shall be members of the public. Of the three  
4 appointments recommended by the Speaker of the House of  
5 Representatives, one shall be a physician licensed to practice medicine  
6 in North Carolina who has expertise and experience in the field of  
7 developmental disabilities, or a professional holding a Ph.D. with  
8 experience in the field of developmental disabilities, and two shall be  
9 members of the public. Vacancies in appointments made by the  
10 General Assembly shall be filled in accordance with G.S. 420-  
11 122;120-122.

- 12 (2) ~~Twenty-three of whom~~ Twenty-four shall be appointed by the  
13 Governor, one from each congressional district in the State in  
14 accordance with G.S. 147-12(3)b, and the remainder at-large members.
- 15 a. ~~Of these 23 members, three shall have a special interest in~~  
16 ~~mental health, three shall have a special interest in mental~~  
17 ~~retardation, three shall have a special interest in developmental~~  
18 ~~disabilities other than mental retardation, three shall have a~~  
19 ~~special interest in alcohol abuse and alcoholism and three shall~~  
20 ~~have a special interest in drug abuse. Each group of three shall~~  
21 ~~be made up of one member who is a consumer representative;~~  
22 ~~one other who is a representative of a local or State citizen~~  
23 ~~organization or association; and one other who is a professional~~  
24 ~~in the field.~~
- 25 b. ~~The remaining eight members shall be appointed from the~~  
26 ~~general public, other citizen groups, area mental health,~~  
27 ~~developmental disabilities, and substance abuse authorities, or~~  
28 ~~from other related agencies.~~
- 29 c. ~~Of these 23 appointments, at least one shall be a licensed~~  
30 ~~physician and at least one other shall be a licensed attorney.~~
- 31 d. ~~The terms of all Commission members appointed or~~  
32 ~~reappointed by the Governor on or after July 1, 2002, shall be~~  
33 ~~two years. All Commission members shall serve their~~  
34 ~~designated terms and until their successors are duly appointed~~  
35 ~~and qualified. All Commission members may succeed~~  
36 ~~themselves. A member shall serve not more than three~~  
37 ~~consecutive terms.~~

38 The Governor's appointees shall represent the following categories of  
39 appointment:

- 40 a. Three professionals licensed or certified under Chapter 90 of  
41 the General Statutes who are practicing, teaching, or conducting  
42 research in the field of mental health.

- 1            b. Four consumers or immediate family members of consumers of  
2            mental health services. Of these four, at least one shall be a  
3            consumer and at least one shall be an immediate family member  
4            of a consumer. At least three of the consumers or immediate  
5            family members shall be selected from nominations submitted  
6            by the Coalition 2001 or its successor organization.
- 7            c. Three professionals licensed or certified under Chapter 90 of  
8            the General Statutes who are practicing, teaching, or conducting  
9            research in the field of developmental disabilities.
- 10           d. Four consumers or immediate family members of consumers of  
11           developmental disabilities services. Of these four, at least one  
12           shall be a consumer and at least one shall be an immediate  
13           family member of a consumer. At least three of the consumers  
14           or immediate family members shall be selected from  
15           nominations submitted by the Coalition 2001 or its successor  
16           organization.
- 17           e. Two professionals licensed or certified under Chapter 90 of the  
18           General Statutes who are practicing, teaching, or conducting  
19           research in the field of substance abuse, and one professional  
20           who is a certified prevention specialist or who specializes in the  
21           area of addiction education.
- 22           f. An individual knowledgeable and experienced in the field of  
23           controlled substance regulation and enforcement. The  
24           controlled substances appointee shall be selected from  
25           recommendations made by the Attorney General of North  
26           Carolina.
- 27           g. A physician licensed to practice medicine in North Carolina  
28           who has expertise and experience in the field of substance  
29           abuse, with preference given to a physician that is certified by  
30           the American Society of Addiction Medicine (ASAM).
- 31           h. Four consumers or immediate family members of consumers of  
32           substance abuse services. Of these four, at least one shall be a  
33           consumer and at least one shall be an immediate family member  
34           of a consumer. At least three of the consumers or immediate  
35           family members shall be selected from nominations submitted  
36           by the Coalition 2001 or its successor organization.
- 37           i. A licensed attorney.  
38           The appointments of professionals licensed or certified under Chapter  
39           90 of the General Statutes made in accordance with this subdivision,  
40           and physicians appointed in accordance with subdivision (1) of this  
41           subsection shall be selected from nominations submitted to the  
42           appointing authority by the respective professional associations.

1           (2a) The terms of all Commission members appointed or reappointed on or  
2           after July 1, 2002, shall be three years. All Commission members shall  
3           serve their designated terms and until their successors are duly  
4           appointed and qualified. All Commission members may succeed  
5           themselves. A member appointed on and after July 1, 2002, shall not  
6           serve more than two consecutive terms.

7           (3) All appointments shall be made pursuant to current federal rules and  
8           regulations, when not inconsistent with State law, which prescribe the  
9           selection process and demographic characteristics as a necessary  
10          condition to the receipt of federal aid.

11          (b) Except as otherwise provided in this section, the provisions of G.S. 143B-13  
12          through 143B-20 relating to appointment, qualifications, terms and removal of members  
13          shall apply to all members of the Commission for Mental Health, Developmental  
14          Disabilities, and Substance Abuse Services.

15          (c) Commission members shall receive per diem, travel and subsistence  
16          allowances in accordance with G.S. 138-5 and G.S. 138-6, as appropriate.

17          (d) A majority of the Commission shall constitute a quorum for the transaction of  
18          business.

19          (e) All clerical and other services required by the Commission shall be supplied  
20          by the Secretary of the Department of Health and Human Services. To ensure effective  
21          and efficient coordination of rules and policies adopted by the Commission and the  
22          Secretary, the Secretary shall assign an individual who is knowledgeable about and  
23          experienced in the rule-making processes of the Commission and the Secretary and in  
24          the fields of mental health, developmental disabilities, and substance abuse to assist the  
25          Commission in carrying out its duties and responsibilities."

26          **SECTION 2.** This act is effective when it becomes law. Compliance with  
27          the categories of appointment to the Commission under G.S. 143B-148(a) as amended  
28          by this act shall be phased-in as follows. Upon expiration of the term of an initial  
29          appointment or reappointment made prior to July 1, 2002, the original appointing  
30          authority shall appoint an individual who most closely represents the appointment  
31          category delegated to that appointing authority under G.S. 143B-148(a) as amended by  
32          this act.